

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

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|----------------------------------|------------------------------------|
| UNITED STATES OF AMERICA, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) Civil No. 06-3427-CV-S-DW |
| |) |
| Approximately \$18,456.00 |) |
| in U.S. Currency, |) |
| |) |
| Defendant. |) |

**ORDER GRANTING MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND ENTRY OF FINAL ORDER OF
FORFEITURE IN FAVOR OF THE UNITED STATES**

A civil case against the defendant currency was filed in federal court on October 24, 2006, because Charles M. Doyle filed a claim in the administrative forfeiture action. An Arrest Warrant was issued by the Court on November 1, 2006. Since that time, notice was sent to potential claimant Charles M. Doyle at his place of incarceration, the Greene County Jail. Charles M. Doyle received notice on May 24, 2007.

The Department of Justice published public notice of the case against the currency. The publication was accomplished in the *Springfield News-Leader* published in Greene County, Missouri. Notice of publication was filed with the Court on May 7, 2007.

Because potential claimant Charles M. Doyle was served with notice, but he has not filed a claim in the judicial case, entry of default judgment against him is now appropriate. Due process requires the United States to provide notice "reasonably calculated, under all the circumstances" to inform interested parties of the litigation, and to give them an opportunity to be heard. *United States v. Five Thousand Dollars in U.S. Currency*, 184 F.3d 958, 960 (8th Cir. 1999), quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313-14 (1950). The United States has given notice of the forfeiture proceedings. Due process has been satisfied, so entry of default judgment pursuant to Rule 55(b)(2), Fed.R.Civ.P., against Charles M. Doyle is

appropriate. *United States v. One Hundred Four Thousand Six Hundred Seventy-Four Dollars*, 17 F.3d 267, 269 (8th Cir. 1994).

In addition to extinguishing the potential claim of Charles M. Doyle, the United States has given notice to potentially interested third-parties. Notice of this action was published in the *Springfield News-Leader*, as required by Supplemental Rule G(4) of the Supplemental Rules of Civil Procedure for Admiralty or Maritime and Asset Forfeiture Claims. No third party claims were filed. Therefore, any third-party interests are barred by failure of those parties to file a timely petition.

Entry of a Final Order of Forfeiture is appropriate at this time. It is therefore

ORDERED THAT Government's Motion for Default Judgment is GRANTED (Doc. 4) and that default judgment be entered against Charles M. Doyle.

IT IS FURTHER ORDERED THAT all right, title and interest to the property described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

IT IS FURTHER ORDERED THAT the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

IT IS FURTHER ORDERED THAT the Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Attention: Cynthia J. Hyde, Assistant U.S. Attorney 901 St. Louis, Suite 500, Springfield, MO 65806-2511.

Date: July 24, 2007

/s/ Dean Whipple

Dean Whipple

United States District Judge